

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KENNETH ROHRBOUGH,

Plaintiff,

vs.

LUTHER HALL, et al.,

Defendants.

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Case No. 4:07CV00996 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Defendants' Motion to Quash and for a Protective Order [doc. #23], Plaintiff's Motion for Leave to take Depositions of Previously Undisclosed Witnesses [doc. #26], and Plaintiff's Motion to Compel Captain Hayden to Answer Certified Deposition Questions [doc. #30]. Hearings were held on July 23, 2008 and August 6, 2008, and the Court heard arguments from the Parties on these Motions.

I. MOTION TO QUASH AND FOR A PROTECTIVE ORDER

Defendants ask that the Court quash Plaintiff's deposition notice for Joseph Mokwa, the Chief of Police for the St. Louis Metropolitan Police Department, and enter a protective order. Chief Mokwa is not a Defendant, and was not a witness to the events surrounding Plaintiff's claim. The Court finds that Plaintiff has failed to demonstrate that Chief Mokwa's testimony is specifically needed, and accordingly, this Motion will be granted.

II. MOTION FOR LEAVE TO TAKE DEPOSITIONS

In this Motion, Plaintiff asks the Court for leave to take the depositions of three witnesses. Plaintiff states that he has been unable to identify the defendant named "John Doe Police Officer," and that these depositions are necessary to determine the identity of this officer.

The Case Management Order established a discovery deadline of July 25, 2008 in this action. Plaintiff seeks leave to take these depositions after the discovery deadline. Plaintiff states that he was unable to schedule these depositions before the deadline because he only recently learned that these officers were at the scene. Specifically, Plaintiff states that Defendants were granted two extensions of time to respond to his discovery requests, and that they did not respond until July 14, 2008. From this response, Plaintiff learned that Officer Mueller, Officer Vize, and an officer using call unit #524 were at the scene. Plaintiff has still been unable to identify the name of the officer using call unit #524, but seeks to depose all three officers. The Court will permit Plaintiff to depose Officer Mueller and Officer Vize. Each deposition is limited to one-hour in length.

III. MOTION TO COMPEL

Plaintiff asks that the Court direct John Hayden, Captain of the Internal Affairs Division of the St. Louis Metropolitan Police Department, (“Captain Hayden”) to respond to ten questions to which he refused to respond when he was deposed on July 24, 2008. Plaintiff states that the answers to these questions are necessary determine whether a pattern or practice exists so that Plaintiff can establish municipal liability due to the department’s customs and policies under 42 U.S.C. § 1983. The Court has reviewed the Certified Questions submitted by Plaintiff, and directs Captain Hayden to answer questions 1, 2, 3 and 5.¹ The Court finds that the remaining questions are not relevant to Plaintiff’s claims.

Accordingly,

¹ The Court finds that questions 4 and 5 are redundant, and directs Captain Hayden to answer question 5.


IT IS HEREBY ORDERED that Defendants' Motion to Quash and for a Protective Order [doc. #23] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to take Depositions of Previously Undisclosed Witnesses [doc. #26] is **GRANTED, in part, and DENIED, in part**. The Court will permit Plaintiff to depose Officer Mueller and Officer Vize. Each deposition is limited to one-hour in length.

IT IS FURTHER ORDERED that Plaintiff's Motion to Compel Captain Hayden to Answer Certified Deposition Questions [doc. #30] is **GRANTED, in part, and DENIED, in part**. The Court directs Captain Hayden to answer Certified Questions 1, 2, 3 and 5.

IT IS FURTHER ORDERED that any motion for summary judgment must be filed on or before **September 8, 2008**.

Dated this 8th day of August, 2008.


E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE